

# **EXHIBIT 4**

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**From:** Robert Raymar <[rraymar@gilbertlitigators.com](mailto:rraymar@gilbertlitigators.com)>  
**Sent:** Tuesday, January 31, 2023 8:41 AM  
**To:** Miller, Britt M. <[BMiller@mayerbrown.com](mailto:BMiller@mayerbrown.com)>  
**Cc:** 568 Plaintiffs <[568\\_litigation@fnf.law](mailto:568_litigation@fnf.law)>;  
Carbone\_Defs\_Service@listserv.whitecase.com  
**Subject:** Re: Agreement on Non-Structured Data 1998-2003

**[EXTERNAL SENDER]**

Britt, no worries. Thanks. Bob Raymar

On Tue, Jan 31, 2023 at 8:39 AM Miller, Britt M. <[BMiller@mayerbrown.com](mailto:BMiller@mayerbrown.com)> wrote:

Bob –

With apologies for the tardiness of this email (it was sitting in my drafts folder), I confirm on behalf of defendants that the below memorializes the parties' agreement on non-structured data for the 1998-2003 time period.

- B

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**Britt M. Miller**

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**From:** Robert Raymar <[rraymar@gilbertlitigators.com](mailto:rraymar@gilbertlitigators.com)>  
**Sent:** Monday, January 23, 2023 11:41 AM  
**To:** Miller, Britt M. <[BMiller@mayerbrown.com](mailto:BMiller@mayerbrown.com)>  
**Cc:** 568 Plaintiffs <[568\\_litigation@fnf.law](mailto:568_litigation@fnf.law)>  
**Subject:** Agreement on Non-Structured Data 1998-2003

**CAUTION: External Email** - Only click on contents you know are safe.

Dear Britt,

In order to document in one place the agreement we reached on January 13, 2023 regarding non-structured data for the 1998-2003 time period, we include the various emails and pieces in one statement of the agreement, as follows:

All defendants (with the exception of JHU and Caltech who are differently situated based on when they joined the 568 Group) accept plaintiffs' proposal that Defendants shall search agreed custodians' records/agreed shared drives for electronic non-structured data (i.e., electronic documents that are not structured data) from 1998-2003, on the following issues:

1. Formation and operation of the 568 Presidents' Group, including communications with members and non-members concerning their reasons for joining or refusing to join; and any agendas, minutes, transcripts, or notes of meetings of the Group;
2. The goals and purposes of the 568 Presidents' Group; and
3. All documents reflecting communications with other 568 Presidents' Group members, regarding price, tuition, room and board, or financial aid, or the creation of any formula or method for calculating, determining or coordinating the same, including but not limited to the creation and refinement of what became known as the Consensus Methodology.

Please confirm that the above recitation of the agreement we reached is accurate.

Thank you.

Robert S. Raymar  
Gilbert Litigators & Counselors, P.C.  
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